

CV 12 2647

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

RXMK CORP., d/b/a
WESTSIDE PHARMACY and
MARK KHASKELZON,

Defendants.

COMPLAINT

Civil Action
No.

BRODIE, J.

GO, M.J.

FILED
CLERK
2012 MAY 25 AM 11:05
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

NO SUMMONS ISSUED

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Plaintiff UNITED STATES OF AMERICA, by its attorney,
LORETTA E. LYNCH, United States Attorney for the Eastern District
of New York, Elliot M. Schachner, Assistant U.S. Attorney, of
counsel, hereby alleges for its complaint upon information and
belief:

1. This is a civil action seeking penalties and
injunctive relief under the Controlled Substances Act ("CSA"), as
amended, 21 U.S.C. § 801 et seq.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action
pursuant to 21 U.S.C. § 842(c)(1) and 28 U.S.C. §§ 1345, 1355.

3. Venue is proper in the Eastern District of New
York pursuant to 21 U.S.C. § 843(f)(2) and 28 U.S.C. § 1395.

THE DEFENDANTS

4. At all times relevant to this action, defendant RXMK Corp. operated a pharmacy ("the pharmacy") known as Westside Pharmacy at 210 Avenue U, Brooklyn, New York under Drug Enforcement Administration registration number FR0250883.

5. At all times relevant to this action, defendant Mark Khaskelzon ("Khaskelzon") was actively involved in, and supervised, the operation of the pharmacy; personally distributed and dispensed controlled substances at the pharmacy; and was responsible for the pharmacy's compliance with the provisions of the CSA and the regulations promulgated pursuant to the CSA.

FIRST CLAIM FOR RELIEF

6. Plaintiff repeats and realleges paragraphs 1 through 5 as if fully set forth herein.

7. On eighty-eight (88) occasions between October 2007 and August 2009, defendant RXMK, by defendant Khaskelzon, distributed controlled substances by filling purported prescriptions for a controlled substance, oxycodone.

8. Information concerning these purported prescriptions is set forth in Appendix A hereto, which is incorporated by reference as if fully set forth herein.

9. Each of the purported prescriptions referenced in Appendix A bore the forged prescription of a physician whose name appeared on the purported prescription.

10. None of the purported prescriptions referenced in Appendix A was issued for a legitimate medical purpose by a physician or other individual practitioner acting in the usual course of his or her professional practice.

11. Defendant RXMK, by defendant Khaskelzon, filled the purported prescriptions in violation of 21 U.S.C. §§ 802, 829(b).

12. As a result of the foregoing, Defendants are liable to the United States of America in the amount of not more than twenty-five thousand dollars (\$25,000.00) for each purported prescription, pursuant to 21 U.S.C. § 842(c)(1)(A).

SECOND CLAIM FOR RELIEF

13. Plaintiff repeats and realleges paragraphs 1 through 5 and 7 through 12 as if fully set forth herein.

14. As a result of the violations set forth herein, defendants are liable for injunctive relief pursuant to 21 U.S.C. § 843(f).

WHEREFORE, plaintiff United States of America respectfully requests that:

1. Judgment be entered against defendants in the amount of not more than two million two hundred thousand dollars (\$2,200,000.00) on the First Claim for Relief;

2. The Court award plaintiff injunctive relief on the Second Claim for Relief;

3. Plaintiff be awarded its reasonable costs and disbursements in this action; and

4. The Court grant such other and further relief as the Court may deem just and proper.

Dated: Brooklyn, New York
May 25, 2012

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
Attorney for Plaintiff
271 Cadman Plaza East
Brooklyn, New York 11201

By:



ELLIOT M. SCHACHNER
Assistant U.S. Attorney
(718) 254-6053

APPENDIX A

PHAR. RXN#	DRUG	DOSE	Strength	DATE FILLED	DATE WRITTEN
102265	OXYC	120	30mg	10/23/2007	10/22/2007
103111	OXYC	120	30mg	11/13/2007	11/21/2007
103112	OXYC	120	30mg	11/23/2007	11/21/2007
103922	OXYC	120	30mg	12/18/2007	12/17/2007
104860	OXYC	120	30mg	1/17/2008	1/16/2008
104861	OXYC	120	30mg	1/17/2008	1/16/2008
106039	OXYC	120	30mg	2/14/2008	2/14/2008
106040	OXYC	120	30mg	2/14/2008	2/14/2008
107212	OXYC	120	30mg	3/14/2008	3/14/2008
107213	OXYC	120	30mg	3/14/2008	3/14/2008
108584	OXYC	120	30mg	4/16/2008	4/15/2008
108585	OXYC	120	30mg	4/16/2008	4/15/2008
110050	OXYC	180	30mg	5/15/2008	5/14/2008
110051	OXYC	120	30mg	5/15/2008	5/14/2008
111479	OXYC	180	30mg	6/17/2008	6/16/2008
111480	OXYC	180	30mg	6/17/2008	6/16/2008
112644	OXYC	120	30mg	7/17/2008	7/16/2008
112645	OXYC	180	30mg	7/17/2008	7/16/2008
112654	OXYC	120	30mg	7/17/2008	7/16/2008
114192	OXYC	120	30mg	8/21/2008	8/19/2008
114193	OXYC	180	30mg	8/21/2008	8/19/2008
116259	OXYC	120	30mg	10/4/2008	10/1/2008
116260	OXYC	180	30mg	10/4/2008	10/1/2008
118574	OXYC	180	30mg	11/18/2008	11/17/2008
118575	OXYC	120	30mg	11/18/2008	11/17/2008
119462	OXYC	120	30mg	12/3/2008	12/2/2008
119463	OXYC	120	30mg	12/3/2008	12/2/2008
119464	OXYC	120	30mg	12/3/2008	12/2/2008
103923	OXYC	120	30mg	12/18/2007	12/17/2008
121245	OXYC	120	30mg	1/7/2009	12/17/2008
121246	OXYC	180	30mg	1/7/2009	12/17/2008
121247	OXYC	120	30mg	1/7/2009	12/17/2008
121248	OXYC	120	30mg	1/7/2009	12/17/2008

121249	OXYC	120	30mg	1/7/2009	12/17/2008
121163	OXYC	120	30mg	2/6/2009	2/6/2009
121164	OXYC	120	30mg	2/6/2009	2/6/2009
121165	OXYC	120	30mg	2/6/2009	2/6/2009
121166	OXYC	120	30mg	2/6/2009	2/6/2009
121167	OXYC	180	30mg	2/6/2009	2/6/2009
125191	OXYC	120	30mg	03/10/2009	03/09/2009
125192	OXYC	120	30mg	03/10/2009	03/09/2009
125193	OXYC	120	30mg	03/10/2009	03/09/2009
125194	OXYC	120	30mg	03/10/2009	03/09/2009
125195	OXYC	120	30mg	03/10/2009	03/09/2009
125191	OXYC	120	30mg	3/10/2009	3/9/2009
125192	OXYC	120	30mg	3/10/2009	3/9/2009
125193	OXYC	120	30mg	3/10/2009	3/9/2009
125194	OXYC	120	30mg	3/10/2009	3/9/2009
125195	OXYC	120	30mg	3/10/2009	3/9/2009
125413	OXYC	180	30mg	03/14/2009	03/09/2009
126848	OXYC	120	30mg	04/08/2009	04/08/2009
126849	OXYC	120	30mg	04/08/2009	04/08/2009
126850	OXYC	180	30mg	04/08/2009	04/08/2009
126851	OXYC	180	30mg	04/08/2009	04/08/2009
126852	OXYC	120	30mg	04/08/2009	04/08/2009
126853	OXYC	120	30mg	04/08/2009	04/08/2009
129006	OXYC	120	30mg	5/13/2009	5/12/2009
129002	OXYC	120	30mg	05/13/2009	05/12/2009
129004	OXYC	120	30mg	05/13/2009	05/12/2009
129005	OXYC	120	30mg	05/13/2009	05/12/2009
129007	OXYC	180	30mg	05/13/2009	05/12/2009
129008	OXYC	180	30mg	05/13/2009	05/12/2009
131729	OXYC	180	30mg	6/20/2009	6/19/2009
131726	OXYC	120	30mg	06/20/2009	06/19/2009
131727	OXYC	120	30mg	06/20/2009	06/19/2009
131728	OXYC	120	30mg	06/20/2009	06/19/2009
131730	OXYC	180	30mg	06/20/2009	06/19/2009

131731	OXYC	180	30mg	06/20/2009	06/19/2009
131832	OXYC	120	30mg	06/22/2009	06/22/2009
131833	OXYC	120	30mg	06/22/2009	06/22/2009
133688	OXYC	120.00	30mg	7/22/2009	7/20/2009
133628	OXYC	120	30mg	07/22/2009	07/20/2009
133621	OXYC	120	30mg	07/22/2009	07/21/2009
133622	OXYC	120	30mg	07/22/2009	07/21/2009
133623	OXYC	180	30mg	07/22/2009	07/21/2009
133624	OXYC	120	30mg	07/22/2009	07/21/2009
133625	OXYC	180	30mg	07/22/2009	07/21/2009
133626	OXYC	180	30mg	07/22/2009	07/21/2009
133627	OXYC	120	30mg	07/22/2009	07/21/2009
135191	OXYC	120	30mg	08/19/2009	08/16/2009
135605	OXYC	180	30mg	8/26/2009	8/25/2009
135607	OXYC	120	30mg	8/26/2009	8/25/2009
135608	OXYC	120	30mg	8/26/2009	8/25/2009
135609	OXYC	120	30mg	8/26/2009	8/25/2009
135610	OXYC	180	30mg	8/26/2009	8/25/2009
135611	OXYC	120	30mg	8/26/2009	8/25/2009
135612	OXYC	120	30mg	8/26/2009	8/25/2009
135613	OXYC	180	30mg	8/26/2009	8/25/2009